

PUBLIC HEARING
REQUIREMENTS FOR PERMIT FOR
POWER COMPANY POLLUTANTS

Monday, November 19, 2007

Held at: Nannie Lee Recreation Center

1 A P P E A R A N C E S

- 2 Thomas A. Faha, Chairing Meeting
- 3 Cindy Burnt (Announcing Speakers)
- 4 Congressman Moran
- 5 Senator Ticer
- 6 Delegate David England
- 7 Paul Ferguson
- 8 John Britton
- 9 William (Bill) Skrabak
- 10 Mayor Euille
- 11 Vice Mayor Del Pepper
- 12 Paul Smedberg
- 13 Elizabeth Chirmanto
- 14 Jessica Miller
- 15 Julia Corrado
- 16 Paul Hertel
- 17 Christa Watters
- 18 Joanne Broderick
- 19 Dr. Sally Ann Grear
- 20 Rodger Waud
- 21 Richard M. Moose
- 22 Julie Chrenshaw Van Fleet

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1 A P P E A R A N C E S (CONT.)

2 Anna Prados

3 Ernest Lehmann

4 David Paylor, DEQ

5 Adam Ebbin, Virginia House of Delegates

6 Kate Watters

7 Dave Levy

8 Stella Koch

9 Katy Cannady

10 Judy Miller

11 Christe Susko

12 Peter Labovitz

13 Jack Churchill

14 Mary Harris

15 Maria T. Wildes

16 Richard Ward

17 Rodger Diedrich

18 Bob Driscoll (Mirant Corporation)

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1 P R O C E E D I N G S

2 THOMAS FAHA: Good evening. My name
3 again is Thomas Faha and I'm the Regional Director
4 of the Northern Regional Office of DEQ. I will
5 serve as tonight's hearing officer. With me are
6 several staff members from DEQ including to my left
7 the Director of the agency, Mr. David Paylor.

8 This public hearing is being convened by
9 the Department of Environmental Quality in
10 accordance with Regulations 9VAC5-80, Article 5, and
11 9VAC5-801080. Notice of the hearing was advertised
12 in the Washington Times on October 19th and the
13 Alexandria Gazette Packet on October 25th and
14 November 1st, 2007.

15 A copy of the notice is posted at the
16 entrance to the room.

17 This hearing is being held to receive
18 comments on air pollution aspects of the proposed
19 draft State operating permit from Mirant Potomac
20 River Power Generating Station.

21 The regulations for the control and
22 abatement of air pollution specify that a public

1 hearing be held prior to issuing a State operating
2 permit. A permit from the State Air Pollution
3 Control Board does not in any way reflect on either
4 the necessity of obtaining permits from other
5 Federal, State or local Government bodies or the
6 probability of obtaining such permits.

7 If a decision is made to issue this
8 permit, the owner must still comply with any other
9 requirements imposed by other governing bodies.

10 The intent of the proposed State
11 operating permit is to set enforceable conditions
12 which will limit the sources potential to emit to
13 levels that do not prevent or interfere with the
14 attainment or maintenance of any National Ambient
15 Air Quality Standard.

16 The proposed permit will limit the
17 sources emissions of oxides and nitrogen, sulphur
18 dioxide, particulate matter of less than
19 100 microns, particulate matter of less than 10
20 microns, particulate matter of less than 2.5
21 microns, carbon monoxide, volatile organic
22 compounds, hydrogen chloride and hydrogen fluoride

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1 which are pollutants of concern for this facility.

2 This public hearing serves the purpose
3 of receiving statements and recording them for the
4 position of the organization you represent or your
5 own personal views on the subject under
6 consideration.

7 All written statements filed with the
8 Hearing Officer tonight will become part of the
9 official record whether they are read in their
10 entirety in this public hearing or summarized
11 orally.

12 Testimony will be received tonight only
13 on the subject of this hearing. This is not an
14 adversarial proceeding as in a Court of law.
15 Statements need not be sworn nor will there be
16 cross-examination. Debates between individual
17 speakers will be ruled out of order and will not be
18 included in the official record.

19 An electronic transcript is being taken
20 of all testimonies at this hearing. When you're
21 called for your statement, please come forward,
22 speak distinctly into the microphone and state your

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1 name and the organization that you represent or that
2 you are speaking as an individual.

3 To conserve time, I ask that -- you're
4 requested to file any lengthy written material for
5 the record and summarize your statement orally at
6 this hearing. It is requested that two copies of
7 anything, a written statement that you have be
8 furnished for the record.

9 And in order for everyone to have a
10 chance to speak tonight, individual statements are
11 not to exceed three minutes. Cindy Burnt will be
12 calling the names of the speakers. When you hear,
13 when you hear the timer that three minutes have
14 passed, we ask that you please complete your
15 statement.

16 With that, I turn it to Cindy for our
17 first speaker.

18 CINDY BURNT: Congressman Moran.

19 CONGRESSMAN MORAN: Thank you very much.
20 First of all, I was going to address the Chairman of
21 the Board but the Board members are not here. I
22 think Mr. England may respond to that since he's the

1 State representative for this area.

2 I also want to recognize Paul Ferguson
3 who is the Chairman of the Arlington County Board
4 and he is here with his environmental staff who have
5 a statement to be made and I would ask you to listen
6 closely to that as well because many of Arlington
7 County's residents, particularly in the
8 densely-populated part of Crystal City, are more
9 adversely affected than even the majority of
10 Alexandria residents. So I'm glad to see
11 Mr. Ferguson's leadership and I appreciate the fact
12 that the hearing is open, it's in Alexandria, near
13 the people and the communities that are most
14 directly affected by the plant's operations.

15 And I wish to express appreciation for
16 some of the past rulings on Mirant and its stack
17 merger proposal. My views regarding the Mirant
18 plant have not changed since my last statement to
19 this Board. This plant should be shut down.

20 While I didn't expect the Virginia
21 Department of Environmental Quality to adopt this
22 position, I find the proposed draft comprehensive

1 operating permit seriously deficient. In my mind it
2 defies common sense for the Department of
3 Environmental Quality to accommodate this plant
4 given its past violations, its efforts to deceive
5 the public, its attempts to antagonize or intimidate
6 State officials, especially since it does not even
7 provide power to Virginians.

8 There are serious health issues at stake
9 here that should not take a back seat to private
10 economic interests and profitability.

11 First, it troubles, and I have four
12 points and I intend to make those and I appreciate
13 your indulgence. First, it troubles me to learn
14 that there was only a cursory evaluation performed
15 by the Department in its determination that three
16 significant modifications, the use of Trona, the
17 installation of low NOX burners and the installation
18 of separate over fire air technology that altered
19 the operations of this plant did not trigger a new
20 source review.

21 It's my understanding that the
22 Environmental Protection Agency may have taken issue

1 with the State's determination. I've asked EPA to
2 make its findings public, I hope to submit those
3 findings in time to be a part of this record and
4 encourage you to consider modifications to this
5 permit to address any concerns to be raised by EPA.
6 If these actions don't merit new source review
7 individually, then certainly their cumulative impact
8 on the plant's operations should merit a new source
9 review.

10 Second, in order for this permit to be
11 truly a comprehensive permit, it should address not
12 just current, but any future anticipated compliance
13 issues. We already know that the Washington Metro
14 area is not in compliance for particulate matter of
15 2.5. The Potomac River Generating Station is the
16 single largest stationery source of PM 2.5 in the
17 Washington region.

18 For DEQ to use a PM 10 standard is a
19 clear example of accommodation, in my mind,
20 particularly when other States are already using the
21 PM 2.5 standard. There's no dispute among the
22 scientific community about the harmful impacts of

1 PM 2.5, yet this permit as proposed doesn't comply
2 with particulate matter 2.5 National Ambient Air
3 Quality Standards. The people around this plant are
4 entitled to breathe air that complies with all of
5 those air quality standards and the Air Pollution
6 Control Board must ensure that any permit issued
7 under its watch will meet those standards,
8 especially PM 2.5.

9 For DEQ not to address these future but
10 certain requirements is short-sighted. Such an
11 action would deny Alexandrians the benefits of
12 healthier air.

13 Third, while I appreciate the fact that
14 this permit will for the first time place limits on
15 additional harmful toxins like hydrochloric acid and
16 hydrogen fluoride, the overall emission limits would
17 allow an increase in operations above the levels
18 deemed safe while it was regulated by the Federal
19 Government under emergency authority.

20 According to an analysis performed by
21 the City of Alexandria, the limits, as proposed by
22 this permit, would allow Mirant to burn more coal

1 without additional controls. This will result in an
2 increase in particulate emissions over the levels
3 that were set in the 2005 to 6 period. Given the
4 age of this plant, the current configuration of this
5 plant and the urbanized area that this plant is
6 located in, any increase in emissions should be
7 unacceptable.

8 Fourth, and lastly, the continued use of
9 high volumes of Trona merits serious concerns.
10 Monitors clearly show that opacity measures increase
11 with the use of Trona. Can anyone credibly maintain
12 that particulate matter decreases when opacity
13 increases? If electrical production were allowed to
14 increase, as would be allowed under the proposed
15 permit, then particulate matter emissions would
16 similarly increase.

17 As I noted in the previous statements
18 submitted for the record, Mirant has never fully
19 complied with part of EPA's June 2006 administrative
20 order to complete a Trona new source review
21 applicability analysis. Mirant's limited analysis
22 is misleading and totally inadequate and now under

1 this proposed permit the State would sanction the
2 use of Trona as an integral part of the plant's
3 long-term control strategy.

4 Before sanctioning the permanent use of
5 Trona, the State should learn more about its
6 potential adverse health effects given the fact that
7 silica, a known carcinogen, is one of its
8 ingredients.

9 Further, the proposed permit allows for
10 sodium bicarbonate to be used as an alternative to
11 Trona. I understand the City is not opposed to such
12 testing as long as it includes a complete and
13 thorough analysis. It's premature to approve the
14 use of sodium bicarbonate as part of this permit
15 without such an analysis.

16 So, needless to say, this plant
17 continues to merit the special attention of this
18 Board and the Virginia Department of Environmental
19 Quality. Despite an incredible number of hours that
20 you and the Department have expended on this power
21 plant, I remain troubled about how little we do know
22 and how much progress remains to be done to protect

1 the public's health from harmful emissions.

2 I look forward to working with you on
3 this most critical issue, but I am very disappointed
4 in the direction we seem to be taking.

5 Thank you.

6 THOMAS FAHA: Thank you,
7 Mr. Congressman.

8 (Applause)

9 CINDY BURNT: Senator Ticer.

10 SENATOR TICER: Good evening. My name
11 is Patsy Ticer and I'm a member of the Virginia
12 Senate representing Alexandria and adjacent
13 jurisdictions.

14 My constituents, most of whom live in
15 Alexandria, are on the front line for health risks
16 due to the airborne pollutants from the Potomac
17 River Power Plant in Alexandria.

18 I thank you for this opportunity for me
19 and other residents to comment on the proposed
20 operating permit for the power plant.

21 I have previously testified several
22 times before the Board on the operation and I

1 appreciate the diligence of the Board in following
2 the issues that Alexandria and others have raised.

3 I'm again before you on behalf of a
4 diverse group of communities, all of whom are
5 deeply, who are deeply concerned about the
6 environmental and public health consequences of what
7 the Board and the Department of DEQ, the DEQ
8 determine will be the operating regime for this
9 plant.

10 As you know, we've all had an intense
11 interest in the activities of the plant for a number
12 of years. With each new revelation about the
13 operation of the plant and each release of a new
14 study or report about the harmful affects on human
15 health of emissions from coal burning power plants,
16 more and more Alexandrians and others in the
17 neighboring jurisdictions took notice of the
18 problems with this plant.

19 Mirant has simply failed to keep pace
20 with what it should do for the public health and
21 welfare under the current and feasible health and
22 technological standards. All eyes are now on this

1 permit process and we should ensure that its results
2 do not allow Mirant to pollute our air.

3 Alexandria has a specific and real
4 interest in the outcome of this permit process. On
5 behalf of all Alexandrians and the residents in the
6 neighboring jurisdictions whose health is at risk
7 due to the plant's emissions, I request an operating
8 permit with strict emission limits that maintains
9 air quality well into the future.

10 Alexandria and its residents deserve
11 nothing less. If the plant is to remain our
12 neighbor for many years to come, a situation that is
13 not necessarily the first choice of most
14 Alexandrians, the operating regime for the plant
15 must be far-reaching. By that I mean strict
16 emission limits for all pollutants that guarantee
17 the public health. We're asking nothing more than
18 Maryland demands of its Mirant plants and that
19 Virginia demands of other plants throughout the
20 State.

21 This is an important -- this is
22 important, especially for the emission of fine

1 particulates, which has been a prime concern for all
2 of us here in Alexandria for some time. We're not
3 alone in our concerns for the health risks caused by
4 exposure to particulates, the extensive July 2006
5 report compiled by the EPA, EPA's National Center
6 for National Environmental Assessment leaves no
7 doubt that acute and long-term exposure to PM 2.5
8 exacerbates respiratory illness and causes premature
9 deaths.

10 We have an opportunity to fully protect
11 our citizens now and not wait years hence when we
12 discover that the situation has become intolerable
13 yet again. People are not banging down my door
14 demanding more generation at this plant, but many
15 are demanding and with increased concern, with
16 increased generation comes the responsibility on the
17 part of Mirant for more and better pollution control
18 technology.

19 I reiterate my previous comments that
20 there must be transparency and responsiveness in the
21 regulatory regime for the plant that mandates
22 oversight and accountability of the emission levels

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1 and operational controls set in the permit.

2 Put simply, the public should have easy
3 access to all emissions data for the plant. To this
4 end I favor Alexandria's call for a local air
5 pollution control district and committee. This will
6 help to restore the public's confidence in our
7 handling of the issue related to this plant.

8 I thank you for your attention.

9 THOMAS FAHA: Thank you, Ms. Ticer.

10 CINDY BURNT: Delegate England.

11 DAVID ENGLAND: I'm Delegate David
12 England and I'm here on behalf of the people of the
13 45th House District and I had intended to address my
14 comments to Director Paylor as well as members of
15 the Air Pollution Control Board.

16 I'm, I'm incredibly disappointed that
17 the members of the Board aren't here. Frankly, I
18 think it's outrageous because throughout this entire
19 process and, Director Paylor, I know I'm not telling
20 you anything you haven't heard from me before, but
21 for the record, throughout this entire process, DEQ
22 and the State Air Pollution Control Board have not

1 always been on the same page and when push has come
2 to shove, the Air Pollution Control Board has worked
3 and voted and done what is necessary to try to
4 protect our fundamental biological human right to
5 breathe clean air and for whatever reasons, our
6 perception is and my experience has been that DEQ
7 has not.

8 So it's very disappointing that the only
9 entity that we have an opportunity to speak with
10 today is DEQ.

11 That said, I'm going to let you know
12 what I think about this particular permit and I hope
13 that as you listen to what everyone else here has to
14 say about this permit, you will make very sure that
15 the members of the Air Pollution Control Board
16 understand our position and hear where we're coming
17 from. And I hope you'll also pass on to them from
18 the people of the 45th District that we have a great
19 deal of gratitude for their past work on this issue.
20 You know, I know that there's an effort afoot in the
21 General Assembly to take away the State Air
22 Pollution Control Board's power to make these

1 regulatory decisions and on behalf of the Alexandria
2 General Assembly delegation, I already have drafted
3 legislation to prevent that effort so that the State
4 Air Pollution Control Board will continue to have
5 that power and the reason for that is through them
6 we have found some relief in terms of our ability to
7 breathe clean air.

8 That said, with regards to this
9 particular permitting process, you know, Congressman
10 Moran was exactly right. What is on the table is
11 simply inadequate. This is the opportunity for DEQ
12 to step up and show that it is, in fact, the
13 Department of Environmental Quality and not the
14 Department of Energy and be aggressive advocates for
15 our right to breathe clean air.

16 There are four ways --

17 (Applause).

18 There are four, four ways that I
19 recommend DEQ proceed to do that.

20 Number one, you need to ensure that the
21 State operating permit includes emission limits on
22 fine particulate matter. Using the, the 10.0 limit

1 is, is just inadequate. You know that you have the
2 discretion, the ability to go down to 2.5 and that's
3 what needs to happen.

4 You know as the most significant
5 stationery source of air pollution in Virginia, the
6 Mirant plant emits high levels of pollutants that
7 convert into this fine particulate matter
8 contributing to asthma, other respiratory ailments
9 as well as increased mortality. These are facts.
10 You understand that. This is especially the case in
11 the young and the elderly.

12 And I'll just tell you, I know families
13 living in Marina Towers, I know one family with
14 three daughters are classmates of my son in
15 elementary school. You know, you ask these kids
16 about the plant and you ask about how they breathe
17 around there and they'll tell you, it, they cough,
18 they wheeze, it affects them and you have the
19 opportunity to issue a permit that will help them or
20 a permit that will hurt them.

21 Do the right thing and issue a permit
22 that accounts for the, continuously monitors and

1 accounts for the 2.5 particulate matter so that
2 those kids can breathe clean air.

3 Number two, we've got to analyze the
4 affects of Trona. You know this is an experimental
5 substance. Now I know that it's being used enough
6 in enough places that everybody says, you know,
7 okay, it's fine, you know, other places are using it
8 and it's reducing emissions of various pollutants.

9 Well the other thing we know from
10 experience in other places as well as our own
11 experience that in addition to the fact that it
12 contains a known carcinogen, there's also a lot of
13 evidence that the use of Trona increases particulate
14 matter, okay.

15 The problem is we don't know enough, so
16 if we don't know enough, how can we issue a permit
17 that allows expanded use of a substance we're not
18 sure about. You know what's, what's going to happen
19 in 20 years if we find that this increased use of
20 Trona has caused cancer or some other kinds of
21 illnesses. Is the State going to have to then come
22 back and pay restitution to these people?

1 How about we prevent that ahead of time
2 by doing the right thing on the issue now. Let's
3 learn more about Trona before we allow these folks
4 to expand its use.

5 Number three, require the installation
6 of the very best pollution control technology
7 available. That is critical. You know, at the end
8 of the day that particular decision, to my mind, is
9 a decision about money, okay. There's a lot of
10 technology out there, we heard in the question and
11 answer period a number of measures that if this
12 kicked over to a new source review requirement,
13 there are a number of provisions that would be
14 implemented that are not currently being
15 implemented, so use your discretion, implement those
16 provisions.

17 If they, it may cost a lot of money to
18 do that, but that's okay. I mean in 2006 the Mirant
19 Corporation posted nearly a billion dollars in
20 profits from the Mid-Atlantic region. You know, we
21 can't put a price tag on human health and human
22 life. Mirant must be required to install those

1 pollution control devices that ensure the greatest
2 level of public health and number four, on the issue
3 of the stack merger, okay, we have to make sure for
4 the proposed stack merger is subject to the
5 requirements of this permit.

6 Mirant has publicly stated time and
7 again that it wants to proceed with a stack merger
8 at some point in the future. Everyone in this room
9 knows that while a stack merger may, in fact, help
10 in terms of the particulate matter in the immediate
11 vicinity of the plant, it puts in place a technology
12 that allows Mirant to emit more overall pollution by
13 spreading its affects over a larger segment of our
14 community.

15 So, you know, we know that the end
16 result of a stack merger will be more emissions,
17 more pollution spread over a larger area, even if it
18 does have some beneficial affects on the immediate
19 particulate problem.

20 Therefore, it makes absolutely no sense
21 to not include that stack merger as part of this
22 permitting process.

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1 Those are my four points. I would just
2 urge you as you develop this, this permit, now is
3 your chance to show that you care about the citizens
4 of Alexandria and Arlington and the surrounding
5 communities and their right to breathe clean air. I
6 would urge you to take that into account as you move
7 forward.

8 Thank you.

9 THOMAS FAHA: Thank you, Delegate
10 England.

11 CINDY BURNT: Mr. Ferguson.

12 PAUL FERGUSON: Thank you for hearing
13 our testimony this evening.

14 My name, once again, is Paul Ferguson,
15 Chairman of the Arlington County Board. It's
16 heartening to see so many people here at this
17 hearing. I'm reminded by a Professor that told me
18 that equity goes to those that are vigilant and we
19 want to be vigilant in monitoring what's going on at
20 this plant and we're counting on you to protect us.

21 In short, we breathe the same air as
22 those folks here in Alexandria. The plant is less

1 than a mile away from Arlington County and with this
2 stack merger, the way it's explained to me is that
3 with the air being blown up higher, the pollution
4 that goes up higher, it's simply being spread over a
5 larger period and so Arlington can be affected in
6 its entirety as well as many other places in the
7 region.

8 Our staff has submitted some technical
9 points. I want to make a few more here.

10 We've already heard about the scientific
11 evidence that continues to accumulate showing that
12 exposure to very fine particulate matters which are
13 referred to as PM 2.5 can have life-threatening
14 health impacts and we feel strongly that the State
15 operating permit should reflect the best available
16 information and should include stringent emission
17 limits for PM 2.5 based on the EPA's latest
18 guidelines.

19 The current air pollution control
20 technology used at this aging facility known as
21 electrostatic precipitation does not reliably remove
22 fine particulate matters to the levels needed to

1 protect public health and safety. Given that this
2 plant is located in the urban core of this
3 Washington Metropolitan region, the plant needs to
4 install modern bag house technology and needs to be
5 equipped with continuous emission monitors to ensure
6 compliance with all permit conditions.

7 Lives are too precious as we've heard
8 from our previous testimony to rely on this
9 antiquated technology and periodic stack tests are
10 conducted only when the plant is operating at its
11 best.

12 We've heard about the use of the
13 chemical Trona and the uncertainty surrounding it.
14 We know that Trona is known to contain small amounts
15 of silica which is a known carcinogen and we're very
16 concerned about that in Arlington County.

17 Mirant has made several piecemeal
18 physical changes to emission control systems in the
19 past few years as well as changes in plant
20 operations. It's Arlington's position that these
21 changes should have triggered the new source review
22 requirements that Congressman Moran referred to.

1 DEQ should review the issue to ensure
2 that the plant is protected and that public health
3 is protected to the maximum extent. Although the
4 draft operating permit does not directly address the
5 proposal to merge the existing five stacks into two
6 stacks, Arlington County is unequivocally opposed to
7 this proposal. Any proposal that increases the
8 effect of height of the stack emissions by
9 increasing temperatures or exhaust velocity must
10 include a comprehensive analysis of regional impacts
11 of such proposal. Any proposal that potentially
12 increases the dispersion of fine particulates and
13 other pollutants undermines our shared regional
14 goals to achieve compliance with Clean Air Act
15 requirements, particularly for ozone and PM 2.5.

16 In closing, I want to thank you, the
17 members of DEQ, for listening to our testimony and
18 we're counting on you to protect us.

19 THOMAS FAHA: Thank you.

20 CINDY BURNT: John Britton.

21 THOMAS FAHA: John Britton.

22 JOHN BRITTON: Thank you. Good evening.

1 My name is John Britton and I work for the City of
2 Alexandria and on behalf of a number of the citizen
3 and community groups in the City of Alexandria, I'd
4 like to address two main areas of concern.

5 First and foremost, Alexandria objects
6 to the format of this hearing. Originally the
7 Virginia regulatory town hall announcement set a
8 Board hearing listing that two or more Board members
9 would be in attendance.

10 The Department of Environmental Quality
11 confirmed to the City of Alexandria and to members
12 of the public that, indeed, at least three Board
13 members would not only attend, but they would
14 participate and interact with the public at this
15 hearing.

16 On November 15th, 2007, Alexandria sent
17 a letter to Director Paylor and the Board members
18 setting out the public's understanding and
19 requesting a full participatory hearing as allowed
20 under the Boards's regs, particularly where here,
21 whereas here there is significant public interest
22 and there are provisions of the permit at issue.

1 There has been no response to the
2 letter. In fact, the response we've seen this
3 evening as two Board members were here present in
4 the hall and departed before the proceeding started,
5 for unknown reasons.

6 You've already heard from some
7 legislators and you will hear from the Mayor of the
8 City of Alexandria and Council members, all speaking
9 here and coming here in anticipation of the public's
10 interaction with the Board.

11 So, again, Alexandria objects to the
12 format and the validity of this proceeding and
13 requests a hearing before the full Board on this
14 proposed State operating permit.

15 My second issue that I'd like to address
16 this evening with the City's full comments, we will
17 also submit a second set of comments, supplementary
18 set of comments which encompass preliminary findings
19 by Earth Tech on behalf of the City of Alexandria of
20 the health affects of PM 2.5 emissions and the
21 substantial monetized detriment to the community,
22 and I don't want to here contradict Delegate England

1 in stating that you can't put value on a human life,
2 but, indeed, EPA has found a way to calculate cost
3 for human life and human health suffering and health
4 costs.

5 In this monetized detriment preliminary
6 report, Earth Tech has found that there is
7 approximately 31 to 34 million dollars annually in
8 direct health costs for a population within an
9 800 meter grid around the plant, only as a result of
10 the plant's, only the plant's PM 2.5 emissions.

11 There are additional costs, obviously,
12 indirect costs and when you calculate the costs of
13 the health, the affects on health from the other
14 pollutants that the plant is emitting, but this is
15 just PM 2.5.

16 One of the statements in the report
17 reads the net present worth of PM 2.5 related health
18 impacts for the modeled scenario, again that's the
19 800 meter grid around the plant, would be
20 665 million dollars for the next 30 years.

21 Now the Department of Energy in its
22 special environmental assessment presented a similar

1 calculation, a similar analysis without the
2 calculation. Earth Tech went on and did a
3 calculation and presented a monetized detriment to
4 the health affects set out by DOE which included a
5 larger area. DOE presented additional health
6 affects related to the increase of PM 2.5 from the
7 plant for the, for the entire region.

8 These health effects and their
9 associated direct costs relate, and related health
10 impacts for the next approximately 30 years amount
11 to over 3 billion dollars.

12 Thank you for your time and attention.

13 THOMAS FAHA: Thank you, Mr. Britton.

14 CINDY BURNT: Mr. Skrabak.

15 THOMAS FAHA: Mr. Skrabak.

16 WILLIAM SKRABAK: Good evening, my
17 name's Bill Skrabak, I'm with the City of
18 Alexandria, Department of Transportation
19 Environmental Services. I will try to do a summary
20 of our very detailed technical analysis of the
21 proposed permit which includes 26 pages.

22 I will try to be brief, but it may be

1 tough.

2 In terms of PM 2.5, clearly the impacts
3 must be assessed in this permit. The tools are
4 there in terms of the modeling, both on a regional
5 level as well as on a local hot spot analysis. Air
6 mod is, as proposed in EPA guidance, has been
7 suggested as the appropriate tool to model PM 2.5
8 hot spots. We are asking as part of this permit
9 that the primary PM 2.5 be modeled and that NAX
10 compliance be demonstrated. The proposed PM 2.5
11 limit uses the PM 10 surrogate is completely
12 unacceptable and pursuant to EPA's guidance that was
13 issued back in April of this year, upon promulgation
14 of this final rule, EPA will no longer accept the
15 use of PM 10 emissions information as a surrogate
16 for PM 2.5 emissions given that both pollutants are
17 regulated by NAX and, therefore, considered air
18 pollutants.

19 So basically using the PM 10 surrogate
20 is unacceptable. PM 2.5 must be modeled and
21 demonstrated to comply with the NAX.

22 The emission rate that is in the

1 proposed permit is way too high. To have the same
2 PM -- PM emission rate for PM 10 and PM 2.5 makes
3 absolutely no sense, especially when you compare
4 that to the stack test results. The PM 2.5 emission
5 rate should be about four times less and even that
6 doesn't show NAX compliance.

7 In our detailed analysis, the levels are
8 much lower.

9 In terms of the regulatory requirement,
10 Virginia DEQ regulations require that no permit be
11 issued unless the facility has been designed, built
12 and equipped to operate without preventing or
13 interfering with the attainment or maintenance of
14 any Ambient Air Quality Standard and without causing
15 or exacerbating a violation of any applicable
16 Ambient Air Quality Standard.

17 Clearly this is the case that we have
18 with PM 2.5 in this case and it must be addressed as
19 part of this permit.

20 In terms of the PM 2.5 regional SIP
21 that's currently under development, the proposed SIP
22 is likely to go out for comment in January. It's

1 totally appropriate and it should be included. The
2 permit that comes out of this process should be
3 rolled into that SIP and we all should be able to
4 rely on regional as well as local attainment. If
5 it's not addressed in this permit or the SIP, then
6 Alexandria will not be meeting the NAX and therefore
7 the SIP will be unacceptable and not meet State and
8 Federal requirements.

9 In terms of the modeling tools, clearly
10 air mod's an approved model. It can easily be used
11 to model primary PM 2.5. Federal EPA guidance
12 supports that process.

13 We've done our own modeling. It clearly
14 shows that the plant is exceeding the significant
15 impact level that EPA currently has out for public
16 comment and appropriate, more stringent PM 2.5
17 limits must be set. Other States have done this,
18 Connecticut, New Jersey, New York, Michigan,
19 Pennsylvania all have already taken the lead and not
20 have waited for any further guidance. It clearly
21 can be done.

22 The permit should address both direct

1 stack emissions as well as the increase in fugitive
2 emissions. The ash handling and the use of Trona
3 significantly increases the amount of fly ash and as
4 a result in and of itself, that increase in fugitive
5 emissions would likely trigger NSR.

6 The SO2 rates are much too high in the
7 proposed permit in terms of there are some limits
8 that are relatively low, but then depending upon the
9 number of units that are in the different operating
10 scenarios, it allows emission rates to go up. We
11 don't believe the regulations allow for such an
12 intermittent control regime to take place and the
13 most stringent limit, . -- on the order of .0 --
14 0.3 pounds per million btus should apply at all
15 times to all boilers.

16 In terms of the particulate matter
17 controls, as previously stated, the numbers need to
18 be much lower. The stack test that was done is
19 unacceptable in its assumption that Trona triggers
20 or reduces actually PM emissions. Clearly an
21 increase in opacity clearly is an indication that an
22 increase in PM emissions have occurred.

1 I would note that out of all five
2 boilers, unit number 3 was the one unit that had the
3 least increase in opacity. It just so happens
4 that's the one that the stack test applied to. I'm
5 sure if all five units were tested, the ones that
6 had 100 percent increase in opacity instead of any
7 demonstration of PM going down, it would clearly
8 show PM increasing.

9 In terms of the CEMs, the City believes
10 that the technology is out there. In our detailed
11 comments, we give 10 examples of our power plants
12 that have already installed PM CEMs that meet the
13 EPA's requirements and certifications. Same applies
14 for carbon monoxide. Those CEMs are actually
15 already installed at the facility and must, should
16 immediately be certified and become operational and
17 enforceable.

18 People have already mentioned quite a
19 bit about the health effects of Trona, so I won't go
20 into too much beyond that. I would like to point
21 out that the use of an alternative sorbent should
22 not be pre-authorized in this permit.

1 While the City is not opposed to the
2 testing of sodium bicarbonate for this permit, a
3 complete and thorough evaluation and assessment,
4 including significantly more stack testing, is
5 warranted. We don't want to be in the position that
6 we are now where the City believes Trona triggered
7 NSR and for whatever reason it was not evaluated at
8 the time of the installation, we don't want to have
9 a similar repeat problem with sodium bicarbonate.

10 Again, we're not against testing, we
11 think that should pursue, but we do think it should
12 have clear State oversight and approved protocols
13 prior to the testing.

14 The Mercury emissions should be
15 incorporated into the permit. The City believes
16 based upon the last two years of operation the
17 annual mercury emission should be much less than the
18 limits in the care regulations.

19 In terms of the limits being practically
20 enforceable, the City believes much more stack
21 testing should occur than what's in the proposed
22 permit. It should apply to all five boilers, at

1 least twice a year, at least for the first two years
2 and then you can probably go back to the proposed
3 schedule that's in the permit.

4 Clearly the City believes that any of
5 the emissions testing should be made readily
6 available to the public and easily accessible.

7 In terms of, just one other issue in
8 terms of the parametric monitoring for some of the
9 other issues, the City strongly believes that the
10 amount of Trona should be measured hourly so that
11 there can be a clear indication of what the impacts
12 are so that in the future those emissions and the
13 use of Trona can be directly tied to the PM impacts
14 and emissions from this facility.

15 In conclusion, the City and the
16 community have been extremely concerned about fine
17 particulate matter from this facility as far back as
18 2004 when Virginia DEQ issued the original consent
19 order that required the down-wash modeling, the City
20 raised the objection that PM 2.5 should be issued,
21 it wasn't.

22 Here we are three full years later and

1 the proposed permit doesn't adequately ensure that
2 PM 2.5 NAX are going to be met.

3 If there's one single thing that we
4 believe this permit must address, it must ensure
5 PM 2.5 NAX compliance. There's no other way around
6 it. It will require certain improvements at the
7 plant, likely it would trigger a bag house to meet
8 those tight limits. It may actually have them to
9 further reduce production, but the community's
10 entitled to get that clean air and meet the National
11 Ambient Air Quality Standard just like every other
12 place in the country and now is the time when we
13 raised this issue years ago, both EPA told the City
14 and DEQ said oh, let it, have it be addressed as
15 part of the PM 2.5 SIP.

16 Now that the SIP is being developed, now
17 there's a push to say oh, let it be addressed as
18 part of the permit. It really needs to be addressed
19 in both places and if so, I think it will likely
20 trigger the need for a bag house.

21 We also believe that the use of Trona,
22 if actual additional monitoring and testing were

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1 done, and even evaluating the opacity data, it
2 clearly shows PM goes up, that would have triggered
3 NSR and in a PM 2.5 non-attainment area would have
4 required layer and likely would have required a bag
5 house at this facility.

6 Obviously the City has much more
7 detailed comments and we'll be submitting those.
8 Thank you.

9 THOMAS FAHA: Thank you, Mr. Skrabak.

10 CINDY BURNT: Mayor Euille, City of
11 Alexandria.

12 MAYOR EUILLE: Thank you and, excuse me,
13 good evening, my name is William D. Euille, the
14 Mayor of the City of Alexandria, and I'm honored to
15 be here to say a few words to you and have the
16 entire City Council in support. You'll be hearing
17 from Vice Mayor Del Pepper and Councilman Paul
18 Smedberg in a wee bit.

19 I wish to, let me first of all say how
20 disgusted I am at the fact that the Air Quality
21 Control Board failed to be here present this
22 evening. We were told in advance that they, this

1 was a public hearing, they were to be here to hear
2 not only from the elected officials, but then the
3 citizens that are here and for them not to show, one
4 would have to wonder, you know, what their intent
5 and purpose was.

6 But -- and how we're going to continue
7 to move forward dealing with this most important
8 matter.

9 But I wish to express my thanks,
10 nonetheless, to, to the members of the Board and for
11 your attention and dedication throughout the past
12 two years to the air quality and public health
13 issues generated by the operation of the Mirant
14 Power Potomac River Power Plant.

15 I also wish to thank Director Paylor and
16 the DEQ staff for their responsiveness to our
17 concerns and for developing a draft State operating
18 permit that with appropriate and reasonable
19 modification can be the basis for a comprehensive
20 control of all pollutant emissions from the plant.

21 Our focus has always been to improve air
22 quality and promote public health. To that end, we

1 in Alexandria have aggressively and consistently
2 advocated for the issuance of a comprehensive
3 operating permit that regulates all pollutants and
4 unhealthful activities and takes into account the
5 unique circumstances of the plant, in particular its
6 location in a densely populated residential area.

7 I, we, seek now the strictest permit
8 possible to ensure that the air we breathe is not
9 harmful to any of our citizens.

10 Only with a comprehensive operating
11 permit that covers all critical air pollutants and
12 toxic gases will the residents of Alexandria enjoy a
13 reasonable level of comfort that what is being
14 pumped into the air by the plant complies with the
15 requirements of the Clean Air Act.

16 This level of assurance can only be
17 achieved by including strict emissions limits,
18 including assurance for fine particulate matter,
19 commonly known as PM 2.5, enforced by the
20 installation of up-to-date pollution control
21 technology and verifiable monitoring of all
22 emissions.

1 On the issue of PM 2.5 emissions, we
2 simply cannot ignore the fact that Mirant is pumping
3 these insidious particles into the lungs of our
4 residents.

5 Furthermore, because of the proximity of
6 the plant to dense residential and commercial
7 development, the permit must require that any and
8 all pollution controls at the plant be continuously
9 operated to the maximum extent possible to reduce
10 emissions and benefit the environment and health of
11 the surrounding communities.

12 And all actions taken by this Board or
13 DEQ related to this plant we insist on transparency
14 and full disclosure.

15 The health of our residents, workers and
16 guests is too important for public involvement and
17 input to be ignored before decisions are made. Too
18 often in the past secret deliberations pushed by
19 Mirant have led to obvious adverse impacts to the
20 public interest. To ensure against such results, it
21 should not be burdensome for any resident to obtain
22 information about the plant's emissions and

1 activities that have an impact in the community.

2 Accordingly, the operating permits
3 should require that all monitoring data for all
4 pollutants be readily available to the public for
5 review. I also raise a cautionary note about future
6 actions related to the plant. Alexandria remains
7 opposed to Mirant's proposed stack merger absent a
8 full pre-construction permit review and analysis.

9 We seek your and DEQ's assurance to the
10 residents of Alexandria and those in our neighboring
11 jurisdictions, particularly in the District of
12 Columbia and Arlington and Fairfax Counties, that
13 prior to any stack merge, a full public permit
14 review will be undertaken.

15 I want to make it clear that the City
16 will continue to oppose short-term stop-gap measures
17 which serve only to expand plant operations to the
18 detriment of the public health.

19 One final point, we have repeatedly
20 called for the establishment of a local air
21 pollution control district and committee to allow
22 Alexandria and the community to assist DEQ in

1 ensuring that the plant complies with the provisions
2 of the permit.

3 I've always believed this to be an
4 integral component for resolving issues related to
5 the operations of the plant among the community, DEQ
6 and Mirant. I feel the establishment of a local
7 district is even more urgent now and would help to
8 enhance the community's confidence in the regulatory
9 protections offered by the operating permit. I
10 request that such a district and committee be
11 established immediately.

12 For the life of me while the
13 committee -- the communities throughout the United
14 States and the world are having success converting
15 coal powered plants to environmentally health
16 friendly systems, why we continuously get the
17 run-around from this plant here in Alexandria. It's
18 essentially a do nothing in your face response.
19 It's beyond me.

20 Both Alexandrians and this Council will
21 not back down, however we will need the support of
22 the Air Quality Control Board, you the staff and

1 obviously the support of the Governor in this most
2 important health matter.

3 Thank you very much.

4 (Applause).

5 THOMAS FAHA: Thank you.

6 Vice Mayor.

7 VICE MAYOR DEL PEPPER: Good evening, my
8 name is Del Pepper and I'm the Vice Mayor of the
9 City of Alexandria and we appreciate it that you
10 came up here so we didn't have to go down there.

11 I want to mention that I've appeared
12 before you and the Board on several occasions to
13 discuss the serious adverse environmental and public
14 health impacts that result from this plant.

15 On behalf of and at the insistence of
16 the residents of Alexandria, the Mayor and City
17 Council have authorized this significant expenditure
18 of City resources to thoroughly analyze the plant's
19 operations and emissions. Apparently Mirant has an
20 endless amount of money to spend but we do not and
21 this is at great sacrifice, but we have no choice
22 because we have to defend and protect the residents

1 of our City.

2 Based on our technical analysis, we have
3 found numerous deficiencies in past proposals for
4 regulating this plant and the Board at least has
5 recognized these deficiencies.

6 At times we have been dismayed and very
7 disappointed by the seeming preference of this
8 agency, the Department of Environmental Quality, to
9 increase the operations of Mirant rather than to
10 protect the health of our residents. As I have said
11 before, it seems to me that those who are regulating
12 are too close to those who are being regulated.

13 (applause)

14 I appreciate, however, the hard work of
15 the DEQ staff in bringing before us now a proposed
16 comprehensive operating permit for this plant.

17 Whatever permit is put in place will
18 impact our air quality and the public health for a
19 very long time to come. We have to make sure that
20 this operating permit is fully protective of the
21 public health now and not fraught with promises of
22 things they may or may not -- that may or may not

1 occur in the future.

2 This is serious and important -- an
3 important issue for all residents of Alexandria and
4 those of our neighboring jurisdictions and I believe
5 you heard from Arlington.

6 Our staff and consultants has already
7 told you a lot of the technical stuff. I'm sure you
8 all read the November 17th document, all 26 pages of
9 solid gold, so I don't need to go into that.

10 Let me focus just on one issue of
11 particular concern to me and to Alexandria's
12 residents and that's the, and to residents of the
13 adjoining jurisdictions and that is the issue of the
14 PM 2.5 emissions. We all know the harmful affects
15 of PM 2.5. That's been over and over again.

16 Because there are so many people that
17 live, work and recreate in the immediate vicinity of
18 the plant, it would be irresponsible for those of us
19 at all levels of Government, local, State and
20 Federal to issue an operating permit that does not
21 fully regulate and monitor PM 2.5 emissions. In
22 fact, the permit should require a strict monitoring

1 regime so that we in the community are fully aware
2 of the day-to-day impacts of the operations of the
3 plant not only with respect to 2 M 2.5 -- PM 2.5
4 emissions but for all of the pollutants.

5 I also want to repeat what the Mayor has
6 said and that is I fully support and strongly urge
7 the establishment of a local air pollution control
8 district and committee. This would go a long way to
9 ensuring strict accountability and transparency with
10 respect to the activities of the plant and enhancing
11 future public participation.

12 As you'll recall, just a year ago in the
13 Fall when a group of us went to Richmond, that was
14 one of our requests. I think it was actually
15 verbalized by our attorney, John Britton, but the
16 request is still out there and it's still very
17 important to us. It's serious.

18 Thank you.

19 THOMAS FAHA: Thank you, Madam Vice
20 Mayor.

21 (Applause).

22 PAUL SMEDBERG: Good evening, Director

1 Paylor, my name is Paul Smedberg and I'm a member of
2 the Alexandria City Council and thank you for being
3 here this evening.

4 And I was going to say thank you to all
5 the Board members and I hoped that they were here in
6 person, and I must say I want to add my name to the
7 Mayor's comments when I say that it is a bit
8 disappointing that they are not here this evening
9 and why this hearing was scheduled for a holiday
10 week we're not certain, but anyway.

11 In fact, we did want the message to go
12 across that we do appreciate their attention to this
13 very important environmental and public health
14 issue.

15 Years ago a member of our residents came
16 forward to City Council to request our help in
17 correcting the unattainable situation in which City
18 residents near the Mirant power plant were placed at
19 risk by the pollutants emitted by the plant. We
20 engaged technical consultants in multiple
21 disciplines to analyze the plant's impacts on air
22 quality and submitted our findings to the Virginia

1 Department of Environmental Quality and this Air
2 Board.

3 I think we were all surprised by the
4 extent and scope of the risks to the community
5 caused by the operation of this plant.

6 And just a little side note here, as I
7 was preparing these comments, I thought back and it
8 has been almost five and a half years since that
9 group of residents came forward with that
10 information and asked for my advice and other
11 peoples advice on what to do and when that first
12 sample of dust was collected and sent to Penn State
13 and when we got those reports back and when we
14 contacted Dr. Levy at Harvard, it's been five and a
15 half years and here we are again tonight.

16 All along DEQ and Mirant have applied a
17 piecemeal Band-Aid approach to avoid addressing the
18 severe impacts of the plant's operations. If Mirant
19 had initially committed to significantly upgrade its
20 pollution control technology, we may not be here
21 this evening, but we now must confront the operation
22 of the plant under this proposed operating permit

1 and assess how it will impact our community for many
2 years to come.

3 Under Virginia law, the degree of harm
4 caused by the plant, the scope of its impacts and
5 the available technology for reducing and mitigating
6 emissions need to be considered in determining the
7 limits of the permit, not just the operational and
8 economic convenience of Mirant.

9 I fully support the comments and
10 recommendations of the Alexandria City staff and our
11 consultants on the deficiency of the proposed
12 operating permit.

13 The comments are well considered based
14 on extensive expert analysis and take into
15 consideration the discrete circumstances related to
16 the plant. The comments identify serious
17 deficiencies with the draft operating permit.

18 Consistent with the Clean Air Act, our
19 goal should be to modernize this outdated plant and
20 ensure that its operations accommodate current
21 scientific knowledge and thinking -- and thinking on
22 the affects of short and long-term exposure to coal

1 plant emissions and in particular PM 2.5.

2 According to clean air watch, the
3 majority of coal plants that need to be updated date
4 back to the 1970s. The Potomac River Coal Plant
5 dates back to the 1950s, so we certainly have some
6 work cut out for us. And fine particulate matter,
7 the invisible particles that even penetrate indoors
8 and cause serious pulmonary and cardiovascular
9 illnesses and are particularly acute to our most
10 vulnerable residents is one of the most serious
11 health threats posed by the plant.

12 We understand that the plant may be
13 physically constrained or constrained by its
14 location from implementing certain up-to-date
15 pollution control technology, but Mirant also has
16 the legal obligation to retrofit other technology
17 that would benefit air quality.

18 I refer specifically to the installation
19 of bag houses to significantly reduce the escape of
20 PM 2.5 emissions which have increased with the
21 increase of Trona. We know through modeling,
22 monitoring and the analysis of fugitive dust that

1 particulate matter is being released into the air by
2 the plant and landing on residents' property, in
3 their homes and most troubling, in their lungs.

4 The City cannot accept a permit that
5 does not fully protect our residents from the
6 presently known and harmful effects of all
7 pollutants from the plant, not just those Mirant is
8 willing to address.

9 The community is resolved to do whatever
10 is necessary to ensure that future operations of
11 this plant are subject to a permit with strict
12 emission limits and a credible and transparent
13 monitoring system to verify the actual emissions.

14 Therefore, the operating permit should
15 require that data concerning the plant's emissions
16 be readily available to the Alexandria staff and to
17 the public.

18 I strongly believe that Alexandria and
19 the public continue to play a vital role in
20 reviewing and analyzing the activities related to
21 this uniquely situated plant.

22 For this reason, I reiterate

1 Alexandria's request that the Board immediately
2 establish a local air pollution control district and
3 committee. This would be an important component to
4 ensure full accountability for and compliance with
5 the provisions of the permit.

6 Again, Director Paylor, thank you for
7 your interest. The Air Board, thank you for your
8 interest and your time throughout this entire five
9 and a half year process.

10 And I've done a little research and I
11 have a copy of the Code for you from the Virginia
12 Code that allows for this Board to establish air
13 pollution control districts, so if I could give this
14 to the clerk along with a copy of my comments.

15 Thank you.

16 THOMAS FAHA: Thank you.

17 (Applause).

18 ELIZABETH CHIRMANTO: Good evening
19 members of the DEQ. I was going to say members of
20 the Board, but they're not here.

21 First of all I would like to say that I
22 am terribly disappointed that the Board is not here

1 and the other thing I want to talk about as most
2 other speakers have is about the PM 2.5 issue.

3 I am shocked to hear the public health
4 figures of how much damage PM 2.5 is doing to this
5 community. Something must be done as soon as
6 possible to control PM 2.5 emissions. We will not
7 tolerate this. We deserve as citizens to have our
8 health protected.

9 Seven years ago Paul Hertel and I began
10 looking into this facility concerned that our
11 neighborhood's health was at risk from its
12 pollution. Our major focus, both then and now, was
13 the impact of PM 2.5. A public health threat of
14 such large proportion that it overshadowed concern
15 with other pollutants, yet this permit has no
16 provisions for modeling or measuring PM 2.5,
17 regardless of the fact that both EPA and Virginia
18 have adopted PM 2.5 standards.

19 To use PM 10 as a surrogate for PM 2.5
20 which this permit does is a grossly and exact
21 irresponsible measuring tool. Further, the City's
22 modeling shows that this permit fails to comply with

1 2.5 NAX, so the agency to establish a PM 2.5 limit
2 that exceeds the NAX is a violation of the law, a
3 dereliction of duty and results in even further
4 erosion of public trust in the agency.

5 The serious health threat from the
6 plant's small particle emissions requires
7 state-of-the-art pollution controls. To that end,
8 only bag house technology can sufficient capture the
9 small particle pollution.

10 I also want to tell you that regarding
11 the NSR, I had some conversations with the DEQ which
12 I don't have time to go into now, but were very
13 complicated and misleading and the final response
14 was that the DEQ had done a new source review
15 evaluation for the three major changes, but it was
16 an internal document. There was no computation to
17 support the conclusions that none of these changes
18 would result in an NSR applicability review.

19 Thank you for your time.

20 THOMAS FAHA: Thank you, Mrs. Chirmanto.

21 CINDY BURNT: Jessica Miller and then
22 Julia Corrado.

1 JESSICA MILLER: Good evening. I'm here
2 representing a group by the name of Food Not Bombs.
3 I am, we are a grass-roots movement that embraces as
4 well as encourages systems and institutions that
5 give life and not death.

6 You've heard a lot about Trona and I'm
7 sure you're going to hear a lot more about it, but
8 what we do know is that it raises the arsenic and
9 selenium concentrations in the fly ash. Whether
10 it's going into the water or going into the air,
11 it's affecting public health incredibly, as well as
12 the health, environmental health of our watersheds
13 and our air.

14 Instead of using Trona, my question
15 about the permit is why use Trona when it has these
16 negative effects and these negative qualities as
17 well as an uncertainty about its actual usefulness
18 compared to its ill effects when you could do
19 something in the wake of a new source review to
20 check out things like co-firing bio mass.

21 I spoke to a brewery, a local brewery
22 today who would actually benefit with an agreement

1 with the power plant to use its waste product from
2 its brewing process which would actually promote the
3 small businesses -- oh, what's that thing that's
4 been holding up all these processes, oh, yeah,
5 profit, so basically the profit of small businesses
6 would be helped by this power plant embracing a new
7 source review that would be opened up by the use of
8 Trona to actually open the door to creating, you
9 know, a somewhat environmentally sounder
10 institution.

11 My second point was that this would also
12 open the door to enrich the employees of the plant
13 who graduated from the same high school I've
14 graduated from, a lot of them did, and went straight
15 into this power plant. This is their only job that
16 they -- a lot of them that I spoke to last meeting,
17 they basically, this is their livelihood and I would
18 really, really feel upset to see their livelihoods
19 be thrown to the side for the sake of, of keeping a
20 power plant under, under a certain regulation, so
21 basically not introducing any new construction or
22 any new technology that would actually enrich their

1 knowledge, their experience and make it so that they
2 could have a better chance of getting a living wage
3 job when this, eventually, power plant is closed
4 down.

5 Also, I would really bring them up to
6 speed with what their children are learning and what
7 our schools should be implementing. You know, it
8 could almost become an opportunity to, while this
9 plant was in operation for however long it
10 absolutely has to be, it could be a poster child for
11 America's great energy revolution, which is very
12 much you know on, almost about to break out on the
13 scene of energy industry in general.

14 I really hope you take this into
15 consideration, I will definitely be sending all of
16 you individuals thank you letters for Thanksgiving,
17 the other ones will have to do with just hear by
18 word.

19 THOMAS FAHA: Thank you, ma'am.

20 CINDY BURNT: Julia Corrado. Paul
21 Hertel.

22 JULIA CORRADO: My name is Julia Corrado

1 and I am a resident of Alexandria, I'm speaking as a
2 private citizen.

3 Several of the points I was going to
4 make have already been made, so I will not be
5 redundant, I do want to add a slightly different
6 perspective on point number one and that point is
7 lack of safety data on chronic Trona particulate
8 inhalation.

9 Neither proposal provides or references
10 scientific or clinical data regarding what are safe
11 inhalation levels for the particulates and the
12 chemical formula of those particulates was not
13 specified tonight.

14 It is important to consider that the
15 lack of scientific or clinical data is compounded by
16 the fact that this exposure is not isolated, but it
17 is a daily occurrence and my reading of the
18 proposals lead me to conclude that the maximum
19 permitted particulate emission will be 4,200 pounds
20 per day.

21 So if I'm incorrect about that, please
22 set me straight, 4,200 pounds a day of daily

1 exposure to which citizens are going to be the
2 victims.

3 Without a scientific basis for presuming
4 that no adverse health consequences will be visited
5 upon the public permitting the plant to inject these
6 amounts of material in order to reduce sulphur
7 dioxide emission is unacceptable. It trades one
8 public health problem for another public health
9 problem which is Trona-induced respiratory disease.

10 My second point is for the DEQ and for
11 the listening public, one way to answer the question
12 of the public health impact is to commission an
13 epidemiologic study to compare long-term health
14 effects of the emissions on residents and other
15 personnel. This study could be designed to include
16 a control population matched to the local and work
17 force demographic, but not exposed to plant
18 emissions.

19 Baseline and follow-up health
20 assessments should be part of this study design.
21 The plant should be required to escrow funds for
22 potential future compensation to victims of chronic

1 emission inhalation. Establishing such a fund
2 prospectively will ensure that compensation is
3 available in the future if it turns out that there
4 were adverse health consequences.

5 Thank you.

6 THOMAS FAHA: Thank you, Mrs. Corrado.

7 CINDY BURNT: Paul Hertel.

8 THOMAS FAHA: Paul Hertel.

9 PAUL HERTEL: I'm Paul Hertel, I reside
10 at 1217 Michigan Court and I would like to say that
11 I fully endorse and support wholeheartedly the
12 comments by the, submitted by the City staff of
13 Alexandria to you and also the other, many of the
14 other comments here, but most notably every
15 commentary made by the City staff I endorse.

16 And it is as Elizabeth mentioned, it was
17 in August 20th, 2003, that the, we actually
18 submitted this report and it very much dealt with
19 PM 2.5 and if you wonder about the effects of 2.5,
20 this re-analysis of the Harvard six study and
21 American Cancer Society study of particular air
22 pollution mentality which is a very long 20-year

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1 study echoes the concerns and the effects of PM 2.5.

2 I would just like to say that I'm one of
3 those who gets to feel very closely and personally
4 the costs of living in proximity to that plant. It
5 is, I can say this, it is not fun to spend 10 and a
6 half hours at the emergency room with my spouse not
7 being able to breathe and the doctors coming out
8 telling us that she absolutely needs to quit smoking
9 if she's to survive and she has never smoked a
10 cigarette in her life.

11 I think the concerns that we have is
12 frankly I don't trust Mirant worth a damn, anything
13 they say. This is what they came up with when we
14 started this. Deposit from Pitts Street can be
15 classified as common dirt.

16 Thank you.

17 That's why we had to go out and do our
18 own research and hire, and get the help and
19 assistance from Penn State, Harvard University and
20 ultimately the City of Alexandria.

21 All the studies by Dave Sullivan, Arrow
22 Engineering Services, NSAR Corporation and

1 Department of Energy have all demonstrated
2 unequivocally the down-wash effects of the
3 neighborhoods surrounding the plant.

4 Arrow Engineering study provides a more
5 schematic and illustrative measure and I'll provide
6 this to the City staff, but you can see, granted
7 it's done under certain conditions, but it gives a
8 good example of the areas affected by down-wash.

9 So what is it to live. Note that during
10 some days one can literally delineate when entering
11 into a down-wash zone by smelling the sulphur
12 dioxide, developing itchy eyes, coughing and
13 breathing difficulties. If you think these are
14 notations of a single person that can be readily
15 dismissed, I suggest you listen to my neighbors.
16 Far too many are reporting the same symptoms for you
17 to push these concerns aside and they have been
18 exacerbated notably since the introduction of Trona.

19 There's, if I can just finish, I think
20 Sern Circado wrote about religion ultimately coming
21 down to a leap of faith, however science has moved
22 beyond the wings and a prayer approach contained in

1 this SOP. Many of us bear the physical scars living
2 next to the plant. Rather unfortunate since science
3 is available to ensure NAX compliance and make it
4 unnecessary for us to sacrifice our health at the
5 alter of regionalism, regionalism.

6 And I would just like to say that for
7 those people who work at Mirant, we certainly
8 respect your wish and your work and your work ethics
9 and all this, but your leadership is destroying our
10 community and the people of our neighborhood are
11 suffering.

12 And ultimately you will find a slew of
13 people that have paid the price for this and for
14 that I would hope and I'd hope for a more
15 comprehensive SOP.

16 Thank you.

17 THOMAS FAHA: Thank you.

18 CINDY BURNT: Christa Watters.

19 THOMAS FAHA: Christa Watters.

20 CHRISTA WATTERS: Good evening. My name
21 is Christa Watters, I live at 1186 North Pitts
22 Street, just two blocks from the Mirant Potomac

1 River Generating Station in Alexandria, Virginia.

2 I'm speaking as an individual.

3 This plant opened in 1949, once stood on
4 the edge of the industrial part of the City. Now it
5 is surrounded by residential areas, yet it continues
6 to use outdated technology.

7 At a recent meeting at City Hall, the
8 plant's attorney, Ms. Deborah Bolton, was asked some
9 questions, most of, to which most, most of which she
10 said she didn't know, but the discussion was
11 concerning the differences between using Trona and
12 bicarbonate of soda and she said Mirant was still
13 trying new methods to achieve maximum efficiency in
14 reducing pollutants.

15 The safety and effectiveness of using
16 either of these methods has not been scientifically
17 established, but we do know that installing bag
18 house filters would be a far more efficient
19 technology for removing toxins and particulate
20 matter, especially from the plant's emissions.

21 If Mirant were really interested in
22 achieving maximum efficiency and cleaning up its

1 emissions, it would install such filters and I urge
2 you to require this.

3 Given that this plant's emissions stacks
4 are 75 to 100 feet shorter than for most comparable
5 plants, this is especially important.

6 Any permit issued to this plant should
7 require the use of the best available technology and
8 should set emission limits for all known toxins and
9 pollutants that this plant produces in line with the
10 most up-to-date scientific information available
11 about the affects of emissions on public health.

12 We know it is now possible to monitor
13 emissions on a continuous basis and we ask that you
14 require this plant to install such monitors.

15 Other States, including our neighbors in
16 Maryland -- in the State of Maryland require Mirant
17 to operate to much stricter standards than this
18 plant has ever had to meet. Why should the health
19 of Virginia residents be valued any less than that
20 of our neighbors in Maryland. I strongly endorse
21 the City's position with regard to the Mirant plant
22 permitting process.

1 Thank you.

2 THOMAS FAHA: Thank you, Ms. Watters.

3 CINDY BURNT: Joanne, Joanne Broderick.

4 JOANNE BRODERICK: Hi, I'm Joanne
5 Broderick, I live at 1113 North Pitts Street,
6 Christa is my neighbor and I'm representing myself.

7 The proposed permit does not protect
8 public health. The emission levels are extremely
9 high. The Mirant plant since it's been operating
10 has been in frequent violation of controls,
11 enforcement has been very poor. Since I live two
12 blocks from the plant, I've had opportunities to
13 observe clouds of black noxious emissions as
14 recently as last Summer.

15 During peak season the coal pile
16 emanates coal dust creating an additional health
17 hazard. The plant has hung tattered green plastic
18 around the fence in an attempt to control the coal
19 dust.

20 I believe the coal pile if it's
21 permitted to operate in peak season should be in a
22 deep pit and not permitted to dump at ground level,

1 it should be dumping underground. And the Trona
2 should be evaluated. Not only do we have elderly
3 and children in the neighborhood, we also have a day
4 care center.

5 Last, but not least, I do think that the
6 impact of the plant on the health of the Potomac
7 River and the Bay has not been sufficiently
8 evaluated and addressed and as an example I will say
9 that sports fishermen come from all over the country
10 and the world to sports catch giant carp that come
11 from 10 feet below where the plant connects with the
12 river, so clearly there's some impact on the
13 environment.

14 Okay.

15 THOMAS FAHA: Thank you, Ms. Broderick.

16 CINDY BURNT: Sally Ann Gear.

17 SALLY ANN GREAR: I am Sally Ann Gear,
18 I live at 1168 North Pitts Street in Alexandria,
19 about three blocks from the plant, and I've spoken
20 to you before.

21 I would like to simply state that in
22 addition to the problems already discussed

1 concerning the permit, for change to take place
2 there have to be consequences for Mirant's actions
3 and the consequences must have power and impact in
4 order to be able to create compliance. Mirant is
5 known for the legendary income it produces and it is
6 essential that the penalties for exceedences and/or
7 violations are felt by this corporation.

8 The plant needs to be shut down in
9 response to violations reported by the City of
10 Alexandria or a third party. These consequences
11 would help either to make cleaning up the plant to
12 an acceptable level worth the financial expenditure
13 necessary to be in complete compliance or it would
14 demonstrate to the corporation that it would be far
15 more profitable simply to close it down.

16 Thank you very much.

17 THOMAS FAHA: Thank you, Mrs. Grear.

18 CINDY BURNT: Rodger Waud.

19 RODGER WAUD: My name is Rodger Waud,
20 I've been before you folks before. I am a member of
21 the City's Mirant Community Monitoring Group. I'm
22 also a President of NOTICE, the North Old Town

1 Independent Citizens Association, but tonight I'd
2 like to speak to you from the perspective, I'm the
3 past President of Marina Towers which has 700, about
4 700 some odd residents right next door to the plant.

5 As you might imagine when you're in the
6 position of president of a condominium of that size,
7 you hear an awful lot. I've had residents call me
8 over to the plant side of the building to look at
9 the metal framing around their doors and windows and
10 it is different than it is on my side of the
11 building. I face the river.

12 Something is definitely working on that
13 metal and you've got to wonder if it's doing that to
14 the metal, what's it doing to the people living
15 there.

16 I continually hear that, people complain
17 that they can't open their windows and particularly
18 people on the plant side complain a lot about the
19 dust on their balconies and we have residents who
20 are almost like test cases. We have residents who
21 spend time in other parts of the country, they come
22 back to their residence at Marina Towers and

1 immediately they start experiencing problems with
2 breathing and some people, like the woman in the
3 hall, the hall across from me, as soon as they
4 started using Trona, her skin broke out in blotches.

5 We have a lot of people coughing,
6 sneezing and I'm one of them. My wife works in
7 New York, so she's here in Marina Towers about one
8 weekend a month and she's commenting to me about the
9 hoarseness in my voice. And I can tell you I'm not
10 allergic to anything, but since that Trona has been
11 introduced, I'm experiencing bouts of coughing that
12 are inexplicable to me.

13 Now, also, we had a member of the Board
14 of NOTICE, the North Old Town Independent Citizen
15 Association, who moved here from somewhere else in
16 Virginia. In his youth he had terrific problems
17 with asthma. That cleared up as he became an adult.
18 He's in his 50s now, he moved here about three years
19 ago and his asthma has returned. He lives about
20 five or six blocks from the plant over near
21 North Pitts Street, in the area called I believe
22 Canal Way.

1 I had a resident come to me and say, you
2 know, I want to put a fan up in the ceiling in my
3 room and I've been notified by the City that I have
4 to have permission, get permission to do so, and he
5 says how the hell can it be that this plant can keep
6 doing all of these different construction activities
7 and yet I don't see anything by way of much
8 inspection of what's going on over there, and they
9 don't have permits to do them, nor do they often
10 notify the City that they're in the process. And
11 the City finds out because residents nearby the
12 plant observe what's going on construction activity
13 wise.

14 Now you've heard very much about the
15 PM 2.5 and it's true that this proposed permit does
16 not put limits on PM 2.5 that conform to the
17 National Ambient Air Quality Standards. Right
18 across the river in Maryland power plants have to
19 conform to those standards.

20 Are we some kind of a third world
21 country? We're inferior to Maryland somehow? I
22 don't understand this.

1 And especially in a town like Alexandria
2 with all of the historic interests that it generates
3 among people from all over the country that come to
4 visit, I don't understand why we allow this plant to
5 continue operating the way it does.

6 And I would say that I would
7 particularly like to see an NSR or analysis of the
8 impact of Trona and it does seem to me if this plant
9 is going to continue, it's well known that ESM or
10 electrostatic precipitators, ESPs, are not good at
11 reducing PM 2.5 --

12 THOMAS FAHA: Mr. Waud, you've used your
13 time up.

14 RODGER WAUD: All right, one last thing.
15 We know from experience over on
16 Eisenhower Avenue that bag houses do a better job.
17 This has been demonstrated by the waste facility on
18 Eisenhower Avenue and I support the City in all its
19 stand on this issue.

20 Thank you.

21 THOMAS FAHA: Thank you, Mr. Waud.

22 CINDY BURNT: Richard Moose.

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1 RICHARD MOOSE: Good evening. My name
2 is Richard Moose. I live at 317 South St. Asaph
3 Street here in Alexandria. That's within the hall
4 of pollution produced by the Mirant plant.

5 I'm 75 years old and I'd like to live to
6 be 105, so I follow with keen interest the futile
7 efforts of the City of Alexandria and concerned
8 citizens to avail themselves of what by law and
9 reason is rightfully theirs, namely, to enjoy clean
10 air.

11 What I see, however, is something that
12 more nearly resembles theater ever the absurd than
13 it does good Government. It's beyond question that
14 the Mirant plant produces toxic emissions in
15 quantities that are injurious to the public health.

16 Mirant, itself, scarcely bothers to
17 contest that point. Instead, they dodge, so far
18 successfully, from behind one legal, legalistic
19 obstruction to another.

20 They do so aided and abetted, wittingly
21 or otherwise by the DEQ which consistently refuses,
22 declines to exercise its considerable discretion in

1 favor of the public health.

2 So instead of the law protecting the
3 public's right to breathe, the stance of the DEQ in
4 my opinion has enabled Mirant to use the law to mock
5 regulation.

6 Being well-informed and
7 well-intentioned, you must know you cannot escape
8 knowing what is the right thing to do.

9 I can understand that you may feel
10 threatened by the power lobby, you may fear
11 incurring the Governor's displeasure, you may be
12 afraid the Attorney General won't defend the DEQ,
13 but I say go ahead, do the right thing, support the
14 City, apply modern pollution controls to this plant.

15 If you get in trouble, you come up here
16 and the citizens of this community will defend you.

17 Thank you.

18 (Applause).

19 THOMAS FAHA: Thank you, Mr. Moose.

20 CINDY BURNT: Ms. Crenshaw Van Fleet.

21 JULIE CRENSHAW VAN FLEET: That's a
22 pretty tough act to follow.

1 I'm Julie Crenshaw Van Fleet. I have
2 been affiliated with the Washington Council of
3 Governments related to air quality issues since
4 1993.

5 I have seen what Maryland does and has
6 done. I have seen what the District of Columbia
7 does and has done. And I do understand the
8 difference between Virginia and, as a jurisdiction
9 and the other jurisdictions.

10 I E-mailed my written comments to
11 Mr. Dardon this evening before I came here and I had
12 planned to speak on only two points and that is the
13 use of Trona and the experimentation with people in
14 this area.

15 Most of you probably don't know much
16 about the human radiation experiments of the '40s.
17 I know a lot about it. I've read virtually all the
18 research and I looked at and substantiated all the
19 physician's reports for that some time ago.

20 And this is very similar. You are using
21 people and if you're -- if your regulations don't do
22 anything, then why don't you change them? Who do we

1 need to talk to about this?

2 And this is a lot of emotion from a lot
3 of people in this room coming through me, but it is
4 wrong, if your regulations do not work, then you
5 have to tell us what we need to do to change them.
6 You have to tell us who we need to talk to and what
7 we need to do instead of I don't know or this isn't
8 part of what this permit can do.

9 And I expect some answers.

10 Thank you.

11 THOMAS FAHA: Thank you, ma'am.

12 (Applause).

13 CINDY BURNT: Ann Prados.

14 ANNA PRADOS: Good evening, my name is
15 Anna Prados, Air Quality, Chair of the Virginia
16 Chapter of the Sierra Club. I'm here today
17 representing our 16,000 members of Virginia and also
18 representing our 3,000 members that we have in the
19 District of Columbia.

20 The Sierra Club urges the DEQ and the
21 Board to oppose this permit. Our major concern is
22 that it allows for an increase of PM 2.5 emissions

1 and, therefore, increase health risks not just to
2 Alexandria, but to D.C. and to the entire D.C. Metro
3 area.

4 The Sierra Club cannot possibly support
5 a permit that leads to increased PM emissions in a
6 City where citizens have been subject already to
7 decades of pollution and toxic chemicals from this
8 facility, particularly now that we have a lot
9 cleaner energy, ways to produce energy and given
10 that the facility is not needed for electrical
11 reliability in D.C., it just doesn't make sense to
12 proceed with this permit.

13 I really want to emphasize the fact that
14 proper modeling should be performed and that they
15 should be required to reduce their output so that
16 they're in compliance with the NAX. It's time to
17 move past 18th Century technologies.

18 The citizens of Alexandria has actually
19 developed considerable expertise in the modeling of
20 legal PM 2.5 impacts. This has been due to
21 necessity and for the protection of their own
22 citizens since the State continues to refuse to

1 consider the health impacts of fine particles in
2 Alexandria.

3 I remind you that many of the residents
4 in the Marina Towers which is, as we all know, where
5 the impacts are the greatest are elderly and they
6 are particularly vulnerable. We are confident, very
7 confident in the City analysis in that these
8 emissions pose an unacceptable health risk to
9 Alexandrians.

10 Furthermore, this facility is a
11 well-known hot spot in the D.C. Metro area and this
12 is very clear from looking at the PM 2.5 data,
13 particularly in the Spring of 2007. And when you
14 compare it to the background in Northern Virginia
15 where you can find a lot of instances where the
16 concentrations of PM 2.5 at Marina Towers are well
17 above the regional, the Northern Virginia average.

18 Given, also I want to mention that given
19 the Virginia DEQ is currently developing the PM 2.5
20 SIP and also currently implementing the other SIP,
21 we believe that now is the time to determine
22 Mirant's contribution to local NOX, SO2, primary

1 PM 2.5 and also just as importantly secondary PM 2.5
2 which is going to be affecting areas down wind, down
3 wind of the open Mirant plant.

4 Along the same lines, the SOP should
5 include, actually should be consistent with the care
6 limits for NOX and SOX.

7 And the Southern Environmental Law
8 Center couldn't make it here today, but I want to
9 back up their position on this, they have a lot of
10 detail on this but in particular for the NOX, the
11 limits in this draft permit are twice the care limit
12 and that just doesn't make any sense to me. I think
13 they should be consistent, otherwise we're going to
14 have to come back and make those changes.

15 Finally, and I'll close, EPA has
16 established protocols for continuous emission
17 monitoring of PM in near real time. It's not clear
18 to me why Mirant will be reporting this data
19 quarterly or every six months. I think the public
20 has a right to get this data near real time, at a
21 minimum at a monthly basis.

22 And thank you for this opportunity.

1 THOMAS FAHA: Thank you, Mrs. Prados.

2 CINDY BURNT: Ernest Lehmann.

3 ERNEST LEHMANN: Good evening, I'm
4 Ernest Lehman, I live in Alexandria, about half a
5 mile south of the Mirant plant.

6 Rather than repeating lots of things
7 that you've already heard, most of which I endorse
8 completely, especially the recommendations made by
9 the City of Alexandria and I've, I've already
10 submitted what I, what I was about to say
11 electronically.

12 A couple of things were brought up
13 during the, during the presentation that I want to
14 address. One of them is monitoring of electrostatic
15 precipitators. I want to challenge a few things
16 that are going on here.

17 The parametric monitoring of
18 electrostatic precipitators should be required much
19 more frequently than the daily measurement the draft
20 SOP now stipulates. Instead, the important
21 operating parameters like voltage and current should
22 be continuously recorded and averaged over a

1 six-minute period consistent with the same time
2 periods as opacity measurements to allow
3 correlation.

4 I think it's a very serious deficiency
5 in the permit.

6 Also for the CEMs, the Continuous
7 Emission Monitors, I want to challenge what Mr.,
8 Mr. Darton said. It's my understanding that the
9 particulate matter continuous emission monitoring
10 specification is final, there's no question about
11 it, as of 204, 2004.

12 We ask you not to delay the
13 implementation of this important monitoring
14 technique. There's no reason to say we're studying
15 it. It's been studied, it's now a fact.

16 Finally, not finally, but next to last,
17 Director Paylor, I suggest that the attendance here
18 are owed an explanation of the request that the
19 Board, Board members not be present tonight. I
20 understand they were here and they were told to
21 leave and we'd like to know why. Could you tell us
22 that?

1 DAVID PAYLOR: Finish your comments and
2 then I'll tell you why.

3 ERNEST LEHMANN: All right, you're going
4 to tell me after I finish my comments, okay, fine.

5 And finally, I think we need a visual
6 analogy of what's happening here and what's been
7 happening for a long time. It's as if the Mirant
8 plant has forced little pistols down our throats and
9 they're -- and they are continually and regularly
10 shooting tiny bullets into our lungs, 24 hours a
11 day, 7 days a week, 365 days a year. We'd like you
12 to do something about that.

13 Thank you very much.

14 THOMAS FAHA: Thank you, sir.

15 DAVID PAYLOR: I'm David Paylor. This
16 is not an interactive hearing, but I believe it's
17 appropriate for you all to know, it is not standard
18 procedure for Board members to attend hearings, so
19 some of the Board members had said several weeks ago
20 that they wanted to come and hear the comments and
21 that was the intent until today when their counsel
22 advised them that it would be best if they not be

1 here.

2 I can't tell you what the reasoning of
3 the counsel was nor should I attempt to speculate on
4 that, but they were advised by counsel that it would
5 be best not to be here.

6 It is, as I said before, it is standard
7 for hearings to be held in front of staff. We will
8 then summarize and report back to the Board and
9 everybody who is here will have an opportunity to
10 address the Board at the meeting that they hold
11 where they will begin to consider the permit, so
12 you'll still have another opportunity to talk to the
13 Board before any decision is made.

14 CINDY BURNT: Adam Ebbin.

15 ADAM EBBIN: Thanks, good evening. My
16 name is Adam Ebbin, I'm a member of the Virginia
17 House of Delegates from the 49th District.

18 Thank you for being here.

19 I'm disappointed that the Air Board
20 isn't here. It seems to me that we're having a
21 hearing on air quality in the City of Alexandria and
22 I would like them to hear firsthand from us rather

1 than through any filters, but to get to the meat of
2 the matter, I consider DEQ, part of your charge is
3 to make sure that our environment is safe and that
4 our citizens are safe from things that can be
5 mitigated in terms of air quality and the rest of
6 the environment.

7 I'm very concerned that the proposed
8 operating permit must include emissions limits for
9 particulate matter. We know that pollutants can
10 convert to fine particulate matter, PM 2.5, and I
11 hope that that's going to be addressed in a
12 significant way.

13 You know as well as we all know that the
14 Mirant plant is one of the most significant
15 stationary sources of air pollution in our entire
16 Commonwealth and from the people having asthma to
17 other ailments, that it's attributable when we let
18 plants pollute beyond, beyond established
19 guidelines.

20 Further, while I know the affects of
21 Trona are not fully known, we do know that it
22 contains 2 percent silica, which is a known

1 carcinogen, so it's not really in the public
2 interest -- it's not at all in the public interest
3 of public health to increase Trona without first
4 understanding its effects.

5 Finally, I think the one thing that I, I
6 would expect and demand and would be shocked we
7 couldn't find in common tonight is that the best
8 pollution control available, the best technology
9 available is needed for this Mirant plant. No other
10 plant is in such a populous area with residents so
11 close by and is trying to run at such a capacity to
12 endanger the health of the residents of Alexandria.

13 So while I have not agreed with some of
14 your decisions in the past, I'm hopeful, very
15 hopeful that you will require the pollution
16 control -- the strongest possible pollution control
17 devices.

18 Lastly, I think it is imperative that
19 the proposed stack merger be subject to the
20 requirements for permit. Just because pollution is
21 being disbursed over a wider geographic area does
22 not mean that it should not go through the permit

1 process.

2 So, that's my two cents, I thank you for
3 being here and I hope that we will have a chance to
4 have the entire Air Quality Control Board to hear
5 from citizens, as well.

6 Thank you.

7 THOMAS FAHA: Thank you, Mr. Ebbin.

8 CINDY BURNT: Kate Watters.

9 KATE WATTERS: Good evening, my name is
10 Kate Watters and I'm also a resident of Alexandria.
11 I live in the Delray neighborhood close to the
12 Mirant plant.

13 I'm here in support of Alexandria City
14 Government's recommendations for the permit for
15 Mirant which is under consideration by the DEQ and
16 by the Air Quality Board.

17 I want Mirant to be subject to the
18 strictest environmental standards and to use the
19 best available technology to reduce particulate
20 matter and pollution going into the air, the water
21 and the soil.

22 Mirant's compliance with the highest

1 environmental standards is long overdue. I am the
2 founder and the director of an environmental
3 organization that works in the former Soviet Union
4 in communities that are impacted by oil and gas
5 development. We try to help local communities
6 ensure that the highest international environmental
7 standards are met, that best practices are
8 implemented and that human health and the
9 environment are protected when industry comes into a
10 community.

11 The common refrain is that U.S.
12 corporate involvement in the entire standards,
13 cleaner technology, human rights protections and
14 that health and the environment will not be
15 sacrificed in the name of economic development.

16 Sadly, we often see that U.S.
17 involvement does not mean clean operations and this
18 truism is brought home daily when I look at the
19 Mirant plant, which has failed to comply with clean
20 air standards over and over again.

21 Alexandrians and all residents of the
22 D.C. Metro area deserve the same protections that

1 the U.S. claims to provide to citizens the world
2 over. I urge the DEQ to adopt the recommendations
3 of the Alexandria City Government and demand that
4 Mirant comply with the highest environmental
5 standards.

6 As Virginia adopts Governor Cain's
7 Virginia energy plan in order to reduce the State's
8 carbon emissions by 30 percent by 2025, it is
9 critical that all power plants in the State
10 contribute to this effort. Forcing Mirant to clean
11 up its act is a step in that direction.

12 Thank you very much.

13 THOMAS FAHA: Thank you, Ms. Waters.

14 CINDY BURNT: David Levy.

15 DAVID LEVY: I'm Dave Levy and I live at
16 Delray area of Alexandria. In fact, I live in an
17 area that during the weather inversions to the west
18 and northwest that are part of Alexandria and
19 Arlington, we receive hot concentrations of
20 emissions from the plant during these times.

21 I concur with the City's comments, the
22 technical issues. In fact, I've received a lot of

1 new information tonight and request that the comment
2 period be extended to November 30th. And I would
3 like to ask one question, is it correct that the
4 full Board's going to meet on this permit to make a
5 decision and we'll have an opportunity then to
6 address them? So there's additional comment.

7 One, a couple things I'm unclear about.
8 I believe under the Clean Air Act in your delegation
9 from EPA you have omnibus authority, that's broad
10 authority to set limits and restrictions and other
11 things in permits based upon information besides the
12 established standards like the National Air Quality
13 Ambient Air Standards.

14 In this situation you have hot spots, so
15 to speak, of impacted people near the facility.
16 That's not the air quality area in its totality,
17 that's where the standards apply. You have people
18 more impacted near it, so therefore you have
19 authority to set limits more stringently.

20 Most of us who live in the impacted area
21 have pretty good incomes, however there's an
22 environmental justice issue here too that's not been

1 spoken to. There's a large community of lower
2 income people who live in public housing areas of
3 Alexandria that are very near the plant. They are
4 nearer than I am and they have more health status
5 and less ability to get health care. Many of them
6 are elderly and many of them are children and that's
7 an impacted population that's not even standing here
8 talking to you here tonight and you can use census
9 data and you can determine actually the number of
10 people that are impacted.

11 I agree with the City about using the
12 2005, and 6 baseline, too, for evaluating emissions.
13 This plant has demonstrated that it can meet lower
14 standards and it's, as I understand it, also under
15 the Clean Air Act illegal for the State to allow
16 limits higher than those already being met by a
17 facility.

18 So that's, to me it seems a little bit
19 contrary to the actual Federal law and case law, as
20 I understand them. I'm not a lawyer, but I
21 understand that's been proven many times.

22 So if they're doing well, they have to

1 continue to do well. I've been on several tours of
2 the plant, the staff there who run the plant, work
3 diligently to make it work. It's an old plant. The
4 corporate structure is not giving them the tools to
5 do better. I'm sure they would be glad to do better
6 and I think that must be required under this permit.

7 Thank you.

8 THOMAS FAHA: Thank you.

9 CINDY BURNT: Stella Koch.

10 STELLA KOCH: My name is Stella Koch and
11 I'm here representing Audobon Naturalist Society.
12 We are an organization that has a membership of
13 around 5,000. We've been in existence since 1897.

14 I, I actually am not going to say
15 anything technical. I have never been at a hearing
16 where I could honestly say that I support everyone
17 in front of me. It's a very strange thought that no
18 one has spoken for this plant and, so it's easy to
19 say I support everything that everyone has said
20 before me.

21 But I also have to say this, I'm
22 embarrassed, I'm embarrassed that the only people

1 who seem comfortable with this permit are the people
2 who are the regulators.

3 I am embarrassed that this State is in a
4 position to, and I serve on a Council in Fairfax, I
5 mean I have been in this business since 1991. I am
6 embarrassed that we are having this conversation,
7 given what the people are doing locally and globally
8 to deal with air pollution and so I just encourage
9 you to make this permit go away as it stands.

10 THOMAS FAHA: Thank you, Ms. Koch.

11 CINDY BURNT: Katy Cannady.

12 KATY CANNADY: I'm Katy Cannady, I'm an
13 Alexandria resident from the Rose Mount neighborhood
14 and at this hour I'm probably going to be repeating
15 a lot of what's been said, but it demands repeating,
16 as often as we have to say it and we've been to a
17 lot of these meetings already.

18 But anyway, the permit proposed by the
19 Virginia Department of Environmental Quality would
20 allow the Mirant power plant to emit PM 2.5 into the
21 surrounding area, Alexandria's residential
22 neighborhoods at a rate beyond the National Ambient

1 Air Quality Standard. Whatever was the DEQ
2 thinking?

3 Other States on the east coast have
4 established limits for PM 2.5. Why not Virginia?
5 This is especially important in Northern Virginia
6 which is, as everyone knows, a non-attainment area
7 for clean air.

8 There are those who would argue that
9 automobiles are the largest source of pollution in
10 this area, that is so. But in Alexandria, the
11 Mirant power plant is the largest single source of
12 pollution. Therefore, cleaning up Mirant is the
13 single most effective way to achieve desperately
14 needed cleaner air.

15 Relief from the known health hazards of
16 fine particulate matter would require one of two
17 things, either limit Mirant's operations so as to
18 achieve a level of emissions complying with the
19 Ambient Air Quality Standards or require the plant
20 to install the modern internal cleaning systems that
21 are available.

22 The DEQ's proposed permit mandates

1 neither solution. It appears aimed at increasing
2 the profitability of this already profitable plant.
3 This permit would, if it were approved, allow Mirant
4 to increase production without any investment in
5 clean coal technology.

6 We know that such a technology exists,
7 we see it advertised on television, so why isn't the
8 DEQ promoting its use where it's needed, desperately
9 needed.

10 Once again, our State Government has
11 failed us. To my mind the most basic role of
12 Government should be to protect the citizens from
13 dangers that we as individuals cannot hope to
14 overcome.

15 In the 21st Century, that includes known
16 hazards to our health, specifically hazards to our
17 hearts and our lungs from fine particulate matter.

18 This permit should be put aside, thrown
19 into the trash, start over and do the right thing
20 and give the citizens of this City the protection
21 that we keep coming to ask for over and over and
22 every time, Mirant's bottom line turns out to be

1 more important than human beings.

2 Thank you.

3 (Applause).

4 THOMAS FAHA: Thank you.

5 CINDY BURNT: Judy Miller.

6 THOMAS FAHA: Ms. Miller.

7 JUDY MILLER: My name is Judy Miller, I
8 live within a 2 to 3 mile radius of the plant. I'm
9 the President of the League of Women Voters of
10 Alexandria. My organization is representative of
11 the large community. Independent studies by
12 professionals hired by citizens groups and more
13 recently with support by City staff, by competent
14 technicians encompassing chemical and physical laws
15 indicate that the plant's continuous operation is
16 injurious to any citizen within an eight-mile radius
17 who breathes. That's as is, eight miles.

18 The League began its study of clean air
19 approximately five years ago. We were shocked to
20 discover the extent to which we have been exposed to
21 noxious pollutants and their concomitant health
22 problems. Our educational unit meetings were

1 factual, presented by professionals and were
2 extremely well attended by many throughout the City.

3 The exercise of getting this plant to
4 conform has been taxing and wearying. It is our
5 hope that DEQ will listen to the pleas of our
6 legislators, our City staff and the many others that
7 have spoken here this evening and before you so that
8 we will not continue to be harmed by the act of
9 breathing.

10 THOMAS FAHA: Thank you, Ms. Miller.

11 CINDY BURNT: Christe Susko.

12 CHRISTE SUSKO: Good evening, my name is
13 Christe Susko. I live at 1211 North Pitts Street,
14 one block away from the Mirant plant and I have
15 lived there for 13 years next week. And I am a
16 chronic allergy sufferer, I get allergy shots every
17 week, so breathing is obviously a big concern of
18 mine. And it's gotten very difficult to breathe in
19 my home, I have a one bedroom condominium and I've
20 brought my air filters, each of these represents
21 three to four weeks in my home. I'm not sure it's
22 helpful to you, but I think it scared a couple of

1 Mirant people away from me this evening and I just
2 wanted to say that I don't support the permit as it
3 stands now and I'm wondering why we can't have
4 stricter standards.

5 Everybody before me, my predecessors
6 have gotten out all the points, some of the details
7 are lost, it's overwhelming to me and I just wanted
8 to express how concerned I am for my health, my
9 neighbor's health. I love Old Town, I love where I
10 live, it's absolutely wonderful, but we've gotten
11 new storm doors in our condominium, we've gotten new
12 balcony doors, storm windows, you name it,
13 everything, and it is just a mess. I'm constantly
14 wiping my walls down and I'm sometimes shocked about
15 how I put my hand against the door and my handprint
16 is left.

17 So clearly the residue's coming from
18 somewhere and even under the most modern windows and
19 doors it's still getting through.

20 So again, I'm just here to encourage the
21 DEQ and the Board to implement and enforce the
22 tightest possible safety standards for the

1 residents.

2 Thank you.

3 THOMAS FAHA: Thank you, Ms. Susko.

4 CINDY BURNT: Peter Labovitz.

5 PETER LABOVITZ: Thank you, my name is
6 Peter Labovitz, I live at 510 Wolf Street and I'm
7 here to speak for my grandchildren who are 7 and 11
8 and who lived most of their lives very close to the
9 plant.

10 Both have developed serious respiratory
11 problems, something no other member of the family
12 has had and so clearly I, I support what the
13 previous speakers have said, but I feel more
14 strongly and I know you appreciate that as a
15 grandfather, I consider anyone who knowingly or out
16 of pretended ignorance allows this plant to continue
17 to damage people such as my grandchildren as much an
18 accomplice to a crime as international or violent
19 criminals.

20 Thank you.

21 THOMAS FAHA: Thank you, sir.

22 (Applause).

1 CINDY BURNT: Jack Churchill.

2 JACK CHURCHILL: My name is Jack
3 Churchill. I'm a fairly recent resident of
4 Alexandria, I live at 710 Wolf Street.

5 I'd just like to reflect a moment on the
6 public interest. I was present in the room -- well
7 first of all my first observation sitting here
8 tonight, my first hearing in Alexandria was, you
9 know, I was back in the 19th Century in Leades,
10 England, in Leades, England, at a public nuisance
11 Court hearing which is written up by that famous
12 writer Mr. Pagot who discussed the social cost of
13 locating power plants in neighborhoods.

14 It's a very famous example he gave and I
15 wrote my thesis on that particular example, the
16 social cost of a power plant in the neighborhood and
17 they were talking about different things in those
18 days, but this is now, 2007. That was 1875 when he
19 published it.

20 37 years ago I sat in a musky hearing
21 room and we discussed and he discussed the reason
22 for new source permits, the new sources were to

1 bridge the gap between the old plant and best
2 available treatment. It was the means to provide
3 the change over time to accommodate the economy.

4 That was not the discretion of the State
5 or the Federal agency and it was not brought in, it
6 was a plea by industry to give us time to invest in
7 the necessary treatment to meet the national public
8 standards and to not go back to try and do air
9 pollution through the nuisance and the Court.

10 And it is not in your discretion,
11 Mr. Director, to delay the implementation of the
12 best available treatment when the plant updates, as
13 every plant was expected to update in 1970, and to
14 be here 37 years later and to talk about 37 million
15 dollars of social costs to the residents of this
16 community because you have exercised your discretion
17 not in the public interest.

18 Thank you.

19 THOMAS FAHA: Thank you, Mr. Churchill.

20 (Applause).

21 CINDY BURNT: Mary Harris.

22 MARY HARRIS: Good evening, my name is

1 Mary Harris, I'm with Marina Towers Condominium
2 Association. I'm pleased to be here tonight to the
3 members of the hearing panel and to the Board who is
4 not here.

5 I did not prepare any official remarks,
6 but I will say that I've reviewed the permit and
7 when it came out, one of the first things that I
8 noticed was that there were several big things there
9 that I wasn't expecting.

10 The first was PM 2.5, that's been
11 addressed by the City and I would urge you to change
12 the permit as it exists to increase and to have
13 standard limits on PM 2.5. And for that I associate
14 with the City of Alexandria's comments in toto.

15 The second thing I was rather shocked
16 about was that there was nothing on mercury and I
17 would have expected in a comprehensive permit for
18 there to be a mercury standard and, in fact, there
19 wasn't one for that.

20 The next was that there was -- that the
21 nitrogen oxide limits were actually much higher than
22 I expected them to be in care. Certainly we've

1 spent a lot of time last year in establishing care
2 and camera standards in a comprehensive permit.
3 This was supposed to roll everything up together. I
4 would have expected those to be there. I find that
5 a serious deficiency and I would hope that you would
6 accept that.

7 I want to associate with the comments of
8 the City of Alexandria, with the Sierra Club, with
9 all of the residents here in Alexandria.

10 And one of the things that I would like
11 to say, I'd really like to thank you and the Air
12 Board and even Mirant because over the past five and
13 a half years, although I look back and when I
14 visited the regional office of DEQ back about
15 five -- oh, maybe about five years ago and I went
16 through the files on Mirant, one of the things that
17 I found was like a 1989 letter from Marina Towers
18 Condominium Association. At that time, of course,
19 this was the Potomac Electric Power Plant asking for
20 the air quality studies that were just done, what,
21 11 years later.

22 So it's not just five and a half years

1 that we've been here, it's actually much more like
2 15 years that we've sort of been petitioning you.
3 But one of the things that I would say is that we
4 would expect you, number one, to have best available
5 control technology, to provide the highest standards
6 for the residents in this area and what you've been
7 able to do is something that probably hasn't been
8 able to be done in Alexandria is that you have
9 educated an entire community on the Clean Air Act
10 and air quality law.

11 Probably not one of us knew very much
12 about this five and a half years ago. I would say
13 that there are probably people who can quote the
14 code to you now, you know, who live down the street
15 from me.

16 The other thing is that essentially
17 you've brought a community together that was rather
18 disparate and probably in many cases we're thought
19 of as transient. We're here because we share a
20 common problem. Our health is in serious jeopardy.
21 This plant has not improved to our benefit. The
22 dust is still here, we hope that you will change the

1 permit and make it strong.

2 Thank you very much.

3 THOMAS FAHA: Thank you.

4 CINDY BURNT: Maria Wildes.

5 MARIA WILDES: Good evening, thank you
6 all for your patience, I'd welcome you to Alexandria
7 where we like to pursue life, liberty and happiness.
8 I live three miles from the Mirant plant, but I
9 breathe the polluted soup that is the air in
10 Northern Virginia.

11 On a trip this past May to Aletha,
12 Kansas, a suburb of Kansas City, I was astounded at
13 how well I could breathe. My family that I was
14 visiting find it odd that I found the air so clear.
15 As I returned to my home in Alexandria, three miles
16 from the Mirant plant, I started coughing again as
17 usual. My throat tightened up and no doctor has
18 ever told me I have asthma. That's just a personal
19 experience.

20 While on a tour of the Mirant plant
21 earlier this year, I saw a great deal of fine coal
22 dust coating the equipment as well as fine white

1 dust that was Trona. Plant employees assured we
2 visitors that Trona was a mineral and Trona is a
3 mineral and by inference it was a safe material.

4 Let me tell you about my personal
5 experience, please bear with me. That evening my
6 sinuses were hurting and the next morning when I
7 blew my nose, my Kleenex was filled with the most
8 amazing vibrant yellow mucus, something I've never
9 experienced before.

10 10 years from now will Trona be known to
11 be as dangerous as other minerals, asbestos and,
12 yes, coal. I'm really concerned about the people
13 that work in the plant and the controls that should
14 be in place for them, as well as everything that's
15 coming out of the plant.

16 In our area we have code orange and code
17 red days, I'm sure you're familiar with those, when
18 we're encouraged to take public transportation,
19 refrain from placing fuel in our vehicles. Every
20 two years I'm required to have my pick-up truck pass
21 an emissions test. Given these conditions, the
22 Mirant plant cannot be allowed to exacerbate our

1 code orange air simply by trading clean air credits
2 with plants elsewhere.

3 Keep in mind, the Mirant plant will not
4 invest in cleaner technology unless forced to. On
5 that same tour of the Mirant plant an employee said
6 oh, yes, he had seen a lot of changes at the plant
7 since he started working there in 1970. He agreed
8 the changes were prompted by the 1971 Federal Clean
9 Air Act.

10 I urge you to require the Mirant plant
11 to reduce their emissions the same as you require
12 residents and local Government bodies to make
13 changes.

14 Please do not continue the policy of
15 code orange for us and pollution as usual by the
16 Mirant plant.

17 Thank you.

18 THOMAS FAHA: Thank you, Ms. Wildes.

19 CINDY BURNT: Richard Ward.

20 RICHARD WARD: Hello, my name is Richard
21 Ward, I live at 4806 Peacock Avenue, about four
22 miles from the Mirant plant.

1 I have also become an expert somewhat of
2 the Clean Air Act, not because of Mirant but from
3 some other surrounding facilities.

4 I appreciate you being here and realize
5 you probably have the toughest job in all of
6 Virginia today.

7 I hear a lot of people talking about
8 cleaning up these plants. I'm a chemical engineer.
9 You just cannot have a stack 150 feet high in a
10 river valley, it just does not work. I've submitted
11 a five-page submission for the record, but I want to
12 just talk about one thing.

13 1952 was the birth of the UK Clean Air
14 Act, it was called the big smoke, great smog.
15 London, England, is very similar to our City in the
16 way it is bisected by a river, it's also prone to
17 serious fogs.

18 And when you go outside today, you'll
19 probably notice there's a lot of fog. It's possibly
20 caused by the river. We experience inversions here
21 in the Winter. I heard someone else talk about
22 that. These stacks are 150 feet tall. If it hits

1 an inversion level layer, it just bounces off that
2 inversion layer. Hot air usually goes up unless
3 it's colder up above. If it hits cold air, it goes
4 down -- I'm sorry, if it hits warm air, it will go
5 down to the cold ground.

6 In, the big smoke rates smog of London
7 killed thousands. Clearly we don't have that issue
8 here, but what happened there is that they banned
9 coal, you know, the chim-chiminie, chim-chiminie,
10 chim-chim-cheroo. Well that was London in that time
11 and you had these black smog coming up out of these
12 coal plants. They actually banned burning coal at
13 that time.

14 And at 150 foot stack you just cannot
15 have a coal plant. A gas plant, yes, maybe an oil
16 burning plant, but a coal plant just is un,
17 infeasible and I don't want to, you know, I talk
18 about -- I hear about clean, you know, clean, best
19 possible standards, we need large areas for that,
20 you need large plants. They're building mega plants
21 all over the country and you just cannot have it in
22 a river valley where you experience inversions.

1 Thank you for your time.

2 THOMAS FAHA: Thank you, Mr. Ward.

3 CINDY BURNT: Rodger Diedrich.

4 RODGER DIEDRICH: Well, I'm Rodger
5 Diedrich. I live in Fairfax County. I don't live
6 anywhere near the plant, but I consider this, you
7 know, air quality is a very serious regional issue
8 and this plant is not only an Alexandria major
9 source, but it's a major source of emissions in the
10 region, especially for particulates, you know.
11 Everyone in the region is struggling to find ways to
12 reduce all these emissions and this is one of the
13 places that really ought to be addressed first.

14 And there's many, you know, we will
15 forever be putting our effort into reducing demand
16 for power. Things can be done to reduce the demand
17 for power in the region and that would be much more
18 beneficial.

19 And so I think, you know, simply this
20 permit should be denied and as a bonus we'll be able
21 to reduce our carbon emissions as well, so, thank
22 you.

1 THOMAS FAHA: Thank you, Mr. Diedrich.

2 No other speakers have signed up? We
3 are, we are about to close, we're just actually, I'd
4 just ask for a few minutes extension from the people
5 who run the building to do that, so I'll ask at this
6 point is there anybody who wishes to speak who has
7 not signed up to speak? Does the facility wish to
8 make a statement?

9 BOB DRISCOLL: Are you going to time it,
10 Cindy?

11 CINDY BURNT: Yeah.

12 BOB DRISCOLL: Bob Driscoll with Mirant
13 Corporation.

14 I just have a couple of comments. We
15 have submitted some extensive comments to DEQ in
16 connection with the permit that has been issued by
17 the Air Board for public comment and I don't really
18 think it's worth our time this evening to go through
19 the details of those comments.

20 I do want to say that I appreciate this
21 opportunity to make a brief statement before this
22 public hearing on the permit.

1 Since Mirant emerged from bankruptcy in
2 January 2006, we have made significant investments
3 in improving our environmental profile at the
4 Potomac River plant and we continue to be dedicated,
5 the senior management at Mirant continues to be
6 dedicated to meeting our environmental obligations
7 in providing a safe and healthy plant and also a
8 plant that produces and distributes cost efficient
9 and reliable electricity to the greater Washington,
10 D.C., area.

11 We believe that the comments that we
12 have submitted to DEQ in connection with this permit
13 represent a step forward in helping us to meet that
14 objective and we hope that you will take those into
15 consideration. Thank you.

16 THOMAS FAHA: Thank you. The City
17 staff, do you have anything to add? With that,
18 then, we did it. We were told to be done by 9:30,
19 and so I thank you, everybody, and with that, the
20 hearing is closed.

21 (Hearing concluded.)

22

1 CERTIFICATE OF TRANSCRIBER

2 I, Monica Voorhees, do hereby certify that
3 this transcript was prepared from tape to the best
4 of my ability.

5 I am neither counsel nor party to this
6 action nor am I interested in the outcome of this
7 action.

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11 Monica Voorhees

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